

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed September 15, 2008 in the above-identified application.

Claim 8 is canceled without prejudice or disclaimer. Therefore, claims 6 and 7 are the claims currently presented for examination in the present application.

Claim 6 is amended to clarify features recited thereby. These amendments to claim 6 are fully supported by applicant's disclosure. Further, claim 7 is amended to conform it more closely to U.S. style.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and receipt of the priority document.

Information Disclosure Statement

Applicant thanks the Examiner for acknowledging review and consideration of the first five and the last two references cited in the Information Disclosure Statement filed on March 17, 2005. Filed herewith is an Information Disclosure Statement cited the English-language abstracts together with the foreign references for the citations crossed out by the Examiner, except reference EP 0985470, which is provided in English. Accordingly, the Examiner is requested to indicate review and consideration of these references in the next Office correspondence.

Withdrawn Claims

The Office Action indicates that claims 1-5 and 9 are withdrawn as non-elected claims pursuant to the Restriction Requirement imposed. Accordingly, claim 5 is designated as "withdrawn."

Applicant notes that claim 5 was listed in the Office Action mailed May 29, 2008 setting forth the restriction as being a part of Group II, the group that was elected on June 27, 2008. Thus, applicant requests a new Restriction Requirement clarifying that claim 5 also belongs in Group I, or an indication that claim 5 is a claim currently presented for examination.

Rejection of Claim 8 under 35 U.S.C. § 112, Second Paragraph

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the ground that it allegedly recites method limitations but is dependent from an apparatus claim. Claim 8 is canceled without prejudice or disclaimer and therefore the rejection is moot.

Rejection of Claims 6-8 under 35 U.S.C. § 102

Claims 6-8 are rejected under 35 U.S.C. § 102 as being anticipated by Moser, French Patent Publication No. 2,204,271. Further, claims 6-8 are rejected under 35 U.S.C. § 102 as being anticipated by Blurock et al., U.S. Patent No. 4,274,297. In addition, claims 6-8 are rejected under 35 U.S.C. § 102 as being anticipated by Watanabe, U.S. Patent No. 7,080,571. Reconsideration of these rejections is respectfully requested.

Without intending to limit the scope of the claims, an advantage or effect according to an aspect of applicant's invention as claimed in claim 6 is that the formation of a burr that may cant and/or block the circulation of the rolling balls through the deflecting piece can be mitigated or controlled because the through-opening of the spindle nut includes a rim having a convex rounding made of material of the spindle nut that is drawn from inside to outside (radially) the spindle nut, as discussed, for example, at applicant's disclosure, page 2, lines 1-13 and page 7, first and second full paragraphs. Thus, material of the spindle nut is drawn or plastically deformed into the through-opening from inside to thereby create the rim having the convex rounding.

Claim 6 requires a ball screw comprising a spindle nut including a through-opening including a rim positioned on the inner circumference of the spindle nut, the rim having a convex rounding comprising material of the spindle nut drawn from radially inside to radially outside the spindle nut.

Blurock discloses a spindle drive mechanism with a spindle nut having a through hole (Blurock, Abstract; Fig. 10).

Blurock does not disclose or suggest that the rim has a convex rounding made of material of the spindle nut drawn from radially inside to radially outside the spindle nut, as required by claim 6. A rim with convex rounding that is made with the spindle nut material drawn from inside to outside the spindle nut is not disclosed by Blurock, and Blurock does not disclose or

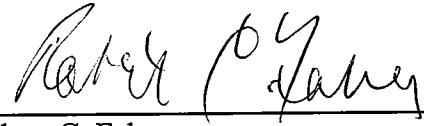
suggest the advantages or effects above-discussed. Therefore, Blurock does not disclose or suggest the recitations of claim 6.

Similarly, Moser and Watanabe do not disclose or suggest a ball screw including a spindle nut with a through-opening that includes a rim with convex rounding that comprises such material. Accordingly, Moser and Watanabe do not disclose or suggest the recitations of claim 6.

Claims 7 depends from claim 6 and is therefore patentably distinguishable over the cited art for at least the same reasons. Claim 8 is canceled without prejudice or disclaimer and therefore the rejection is moot as to this claim.

In view of the foregoing discussion, withdrawal of the objections and rejections and allowance of the application are respectfully requested.

Respectfully submitted,



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